

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert T. Hooey,

Civil No. 11-CV-2805 (JRT/TNL)

Plaintiff,

v.

ORDER

Michael J. Astrue,

Defendant.

Sean M. Quinn, Falsani Balmer, **PETERSON QUINN & BEYER**, 306 Superior Street W, Suite 1200, Duluth, MN 55802, for Plaintiff.

David W. Fuller, **OFFICE OF THE UNITED STATES ATTORNEYS**, 600 United States Courthouse, 300 South Fourth Street, Minneapolis, MN 55415, for Defendant.

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated October 12, 2012 [Docket No.22], along with all the files and records, and no objections to said Recommendation having been filed,

IT IS HEREBY ORDERED that: Plaintiff's Motion for Summary Judgment [Docket No. 17] is **DENIED** and Commissioner's Motion for Summary Judgment [Docket No. 20] is **GRANTED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: November 16, 2012

s/John R. Tunheim

The Honorable John R. Tunheim
United States District Court Judge
for the District of Minnesota